

Senate File 476

H-1345

1 Amend the amendment, H-1341, to Senate File 476, as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 29, line 23, and
4 inserting:

5 <Amend Senate File 476, as amended, passed, and reprinted by
6 the Senate, as follows:

7 1. By striking everything after the enacting clause and
8 inserting:

9

<DIVISION I

10 PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

11 Section 1. Section 9E.1, Code 2021, is amended to read as
12 follows:

13 **9E.1 Purpose.**

14 The general assembly finds that individuals attempting to
15 escape from actual or threatened domestic abuse, domestic
16 abuse assault, sexual abuse, assault, stalking, or human
17 trafficking frequently establish new addresses in order to
18 prevent their assailants or probable assailants from finding
19 them. The purpose of [this chapter](#) is to enable state and local
20 agencies to respond to requests for data without disclosing
21 the location of a victim of domestic abuse, domestic abuse
22 assault, sexual abuse, assault, stalking, or human trafficking;
23 to enable interagency cooperation with the secretary of state
24 in providing address confidentiality for victims of domestic
25 abuse, domestic abuse assault, sexual abuse, assault, stalking,
26 or human trafficking; and to enable program participants to use
27 an address designated by the secretary of state as a substitute
28 mailing address for the purposes specified in [this chapter](#).
29 In addition, the purpose of [this chapter](#) is to prevent such
30 victims from being physically located through a public records
31 search.

32 Sec. 2. Section 9E.2, subsection 6, paragraph a, Code 2021,
33 is amended to read as follows:

34 *a.* "Eligible person" means a person who is all a resident of
35 this state, an adult, a minor, or an incapacitated person as

1 defined in section 633.701, and is one of the following:

2 (1) ~~A resident of this state.~~

3 ~~(2) An adult, a minor, or an incapacitated person as defined~~
4 ~~in section 633.701.~~

5 (3) A victim of domestic abuse, domestic abuse assault,
6 sexual abuse, assault, stalking, or human trafficking as
7 evidenced by the filing of a petition pursuant to section 236.3
8 or a criminal complaint or information pursuant to section
9 708.1, 708.2A, 708.11, or 710A.2, or any violation contained
10 in chapter 709.

11 (2) A currently active or retired state or local judicial
12 officer, as defined in section 4.1, a federal judge, or a
13 spouse or child of such a person.

14 (3) A currently active or retired state or local prosecuting
15 attorney, as defined in section 801.4, or a spouse or child of
16 such a person.

17 (4) A currently active or retired peace officer, as defined
18 in section 801.4, civilian employee of a law enforcement
19 agency, or a spouse or child of such a person.

20 Sec. 3. Section 9E.3, subsection 1, paragraph b,
21 subparagraph (1), subparagraph division (a), Code 2021, is
22 amended to read as follows:

23 (a) The eligible person listed on the application is a
24 victim of domestic abuse, domestic abuse assault, sexual abuse,
25 assault, stalking, or human trafficking.

26 Sec. 4. Section 9E.3, subsection 1, paragraph e, Code 2021,
27 is amended to read as follows:

28 e. The residential address of the eligible person,
29 disclosure of which could lead to an increased risk of domestic
30 abuse, domestic abuse assault, sexual abuse, assault, stalking,
31 or human trafficking.

32 Sec. 5. Section 9E.7, Code 2021, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 4A. Upon request by a program participant,
35 the assessor or the assessor's staff shall redact the

1 requestor's name contained in electronic documents that
2 are displayed for public access through an internet site.
3 The assessor shall implement and maintain a process to
4 facilitate these requests. A fee shall not be charged for the
5 administration of this paragraph.

6 Sec. 6. Section 22.10, subsection 3, paragraph b,
7 subparagraph (2), Code 2021, is amended to read as follows:

8 (2) Had good reason to believe and in good faith believed
9 facts which, if true, would have indicated compliance with the
10 requirements of this chapter. It shall constitute such good
11 reason and good faith belief and a court shall not assess any
12 damages, costs, or fees under this subsection if the person
13 incorrectly balanced the right of the public to receive public
14 records against the rights and obligations of the government
15 body to maintain confidential records as provided in section
16 22.7 under any judicially created balancing test, unless the
17 person is unable to articulate any reasonable basis for such
18 balancing.

19 Sec. 7. Section 331.604, subsection 3, Code 2021, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *f.* (1) Upon request by a peace officer,
22 as defined in section 801.4, civilian employee of a law
23 enforcement agency, or state or federal judicial officer
24 or state or federal prosecutor, the county assessor or the
25 county assessor's staff, or the county recorder or the county
26 recorder's staff, shall redact the requestor's name contained
27 in electronic documents that are displayed for public access
28 through an internet site.

29 (2) Upon request by a former peace officer, as defined
30 in section 801.4, or a former civilian employee of a law
31 enforcement agency, the county assessor or the county
32 assessor's staff, or the county recorder or the county
33 recorder's staff, may redact, upon the presentation of evidence
34 that a compelling safety interest is served by doing so, the
35 requestor's name contained in electronic documents that are

1 displayed for public access through an internet site.

2 (3) This paragraph does not apply to a requestor holding or
3 seeking public office.

4 (4) The county assessor and the county recorder shall
5 implement and maintain a process to facilitate requests
6 pursuant to this paragraph.

7 (5) A fee shall not be charged for the administration of
8 this paragraph.

9

DIVISION II

10

UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

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Sec. 8. Section 554.9510, subsection 1, Code 2021, is

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amended to read as follows:

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1. *Filed record effective if authorized.* A filed record

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is effective only to the extent that it was filed by a person

15

that may file it under [section 554.9509](#) or by the filing office

16

under section 554.9513A.

17

Sec. 9. NEW SECTION. **554.9513A Termination of wrongfully**

18

filed financing statement — reinstatement.

19

1. *Trusted filer.* “Trusted filer” means a person that does

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any of the following:

21

a. Regularly causes records to be communicated to the

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filing office for filing and has provided the filing office

23

with current contact information and information sufficient to

24

establish the person’s identity.

25

b. Satisfies either of the following conditions:

26

(1) The filing office has issued the person credentials for

27

access to online filing services.

28

(2) The person has established a prepaid or direct debit

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account for payment of filing fees, regardless of whether the

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account is used in a particular transaction.

31

2. *Affidavit of wrongful filing.* A person identified as

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debtor in a filed financing statement may deliver to the

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filing office a notarized, sworn affidavit that identifies the

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financing statement by file number, indicates the affiant’s

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mailing address, and states that the affiant believes that

1 the filed record identifying the affiant as debtor was not
2 authorized to be filed and was caused to be communicated to the
3 filing office with the intent to harass or defraud the affiant.
4 The filing office may reject an affidavit that is incomplete or
5 that it believes was delivered to it with the intent to harass
6 or defraud the secured party. The office of the secretary
7 of state shall adopt a form of affidavit for use under this
8 section.

9 3. *Termination statement by filing office.* Subject to
10 subsection 11, if an affidavit is delivered to the filing
11 office under subsection 2, the filing office shall promptly
12 file a termination statement with respect to the financing
13 statement identified in the affidavit. The termination
14 statement must identify by its file number the initial
15 financing statement to which it relates and must indicate that
16 it was filed pursuant to this section. A termination statement
17 filed under this subsection is not effective until ninety days
18 after it is filed.

19 4. *No fee charged or refunded.* The filing office shall not
20 charge a fee for the filing of an affidavit under subsection
21 2 or a termination statement under subsection 3. The filing
22 office shall not return any fee paid for filing the financing
23 statement identified in the affidavit, whether or not the
24 financing statement is reinstated under subsection 7.

25 5. *Notice of termination statement.* On the same day that a
26 filing office files a termination statement under subsection
27 3, the filing office shall send to the secured party of record
28 for the financing statement to which the termination statement
29 relates a notice stating that the termination statement
30 has been filed and will become effective ninety days after
31 filing. The notice shall be sent by certified mail, return
32 receipt requested, to the address provided for the secured
33 party of record in the financing statement with a copy sent by
34 electronic mail to the electronic mail address provided by the
35 secured party of record, if any.

1 statement be reinstated. If an order of reinstatement is
2 issued by the court, the filing office shall promptly file a
3 record that identifies by its file number the initial financing
4 statement to which the record relates and indicates that the
5 financing statement has been reinstated.

6 9. *Effect of reinstatement.* Upon the filing of a record
7 reinstating a financing statement under subsection 8, the
8 effectiveness of the financing statement is reinstated and the
9 financing statement shall be considered never to have been
10 terminated under this section except as against a purchaser of
11 the collateral that gives value in reasonable reliance upon
12 the termination. A continuation statement filed as provided
13 in section 554.9515, subsection 4, after the effective date of
14 a termination statement filed under subsection 3 or 11 becomes
15 effective if the financing statement is reinstated.

16 10. *Liability for wrongful filing.* If, in an action under
17 subsection 6, the court determines that the filed record
18 identified in an affidavit delivered to the filing office under
19 subsection 2 was caused to be communicated to the filing office
20 with the intent to harass or defraud the affiant, the filing
21 office and the affiant may recover from the secured party that
22 filed the action the costs and expenses, including reasonable
23 attorney fees and the reasonable allocated costs of internal
24 counsel, that the filing office and the affiant incurred in the
25 action. This recovery is in addition to any recovery to which
26 the affiant is entitled under section 554.9625.

27 11. *Procedure for record filed by trusted filer.* If an
28 affidavit delivered to a filing office under subsection 2
29 relates to a filed record communicated to the filing office by
30 a trusted filer, the filing office shall promptly send to the
31 secured party of record a notice stating that the affidavit has
32 been delivered to the filing office and that the filing office
33 is conducting an administrative review to determine whether the
34 record was caused to be communicated with the intent to harass
35 or defraud the affiant. The notice shall be sent by certified

1 mail, return receipt requested, to the address provided for
2 the secured party in the financing statement with a copy sent
3 by electronic mail to the electronic mail address provided
4 by the secured party of record, if any, and a copy shall be
5 sent in the same manner to the affiant. The administrative
6 review shall be conducted on an expedited basis and the filing
7 office may require the affiant and the secured party of record
8 to provide any additional information that the filing office
9 deems appropriate. If the filing office concludes that the
10 record was caused to be communicated with the intent to harass
11 or defraud the affiant, the filing office shall promptly file a
12 termination statement under subsection 2 that will be effective
13 immediately and send to the secured party of record the notice
14 required by subsection 5. The secured party may thereafter
15 file an action for reinstatement under subsection 6 and the
16 provisions of subsections 7 through 10 are applicable.

17 Sec. 10. NEW SECTION. 714.29 Records filed with intent to
18 harass or defraud.

19 1. A person shall not cause to be communicated to the filing
20 office as defined in section 554.9102 for filing a record if
21 all of the following are true:

22 a. The person is not authorized to file the record under
23 section 554.9509.

24 b. The record is not related to an existing or anticipated
25 transaction that is or will be governed by chapter 554, article
26 9.

27 c. The record is filed with the intent to harass or defraud
28 the person identified as debtor in the record.

29 2. A person that violates subsection 1 is guilty of a simple
30 misdemeanor for a first offense and a serious misdemeanor for a
31 second or subsequent offense.

32 DIVISION III

33 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES

34 Sec. 11. NEW SECTION. 70A.23A Credit for accrued sick leave
35 — retired public safety employees.

1 A public safety employee, as defined in section 20.3,
2 subsection 11, who retires and has applied for retirement
3 benefits under an eligible retirement system, shall receive
4 credit for all accumulated, unused sick leave which shall be
5 converted at current value and credited to an account for the
6 public safety employee for the purpose of paying the public
7 safety employee's cost of the monthly premiums for continuance
8 of the public safety employee's health insurance plan. Upon
9 the death of a retired public safety employee, the surviving
10 spouse or dependents shall be entitled to the value of the
11 accumulated unused sick leave for the purpose of paying the
12 cost of monthly premiums for continuation of a public safety
13 employee's health insurance policy for the public safety
14 employee's surviving spouse or dependents. This section
15 shall not apply to a public safety employee covered under a
16 collective bargaining agreement which provides for an employer
17 paid retirement health savings plan.

18 DIVISION IV

19 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

20 Sec. 12. Section 97A.6, subsection 11, Code 2021, is amended
21 to read as follows:

22 11. *Pensions offset by compensation benefits.*

23 a. Any amounts which may be paid or payable by the state
24 under the provisions of any workers' compensation or similar
25 law to a member or to the dependents of a member on account of
26 any disability or death, shall be offset against and payable
27 in lieu of any benefits payable out of the retirement fund
28 provided by the state under the provisions of [this chapter](#) on
29 account of the same disability or death. In case the present
30 value of the total commuted benefits under said workers'
31 compensation or similar law is less than the present value
32 of the benefits otherwise payable from the retirement fund
33 provided by the state under [this chapter](#), then the present
34 value of the commuted payments shall be deducted from the
35 pension payable and such benefits as may be provided by the

1 system so reduced shall be payable under the provisions of this
2 chapter.

3 b. Notwithstanding paragraph "a", any workers' compensation
4 benefits received by a member for past medical expenses or
5 future medical expenses shall not be offset against and not
6 considered payable in lieu of any retirement allowance payable
7 pursuant to this section on account of the same disability.

8 c. Notwithstanding paragraph "a", any workers' compensation
9 benefits received by a member for reimbursement of vacation
10 time used, sick time used, or for any unpaid time off from work
11 shall not be offset against and not considered payable in lieu
12 of any retirement allowance payable pursuant to this section on
13 account of the same disability.

14 Sec. 13. Section 97B.50A, subsection 5, Code 2021, is
15 amended to read as follows:

16 5. *Offset to allowance.*

17 a. Notwithstanding any provisions to the contrary in state
18 law, or any applicable contract or policy, any amounts which
19 may be paid or payable by the employer under any workers'
20 compensation, unemployment compensation, employer-paid
21 disability plan, program, or policy, or other law to a member,
22 and any disability payments the member receives pursuant to
23 the federal Social Security Act, 42 U.S.C. §423 et seq.,
24 shall be offset against and payable in lieu of any retirement
25 allowance payable pursuant to [this section](#) on account of the
26 same disability.

27 b. Notwithstanding paragraph "a", any workers' compensation
28 benefits received by a member for past medical expenses or
29 future medical expenses shall not be offset against and not
30 considered payable in lieu of any retirement allowance payable
31 pursuant to this section on account of the same disability.

32 c. Notwithstanding paragraph "a", any workers' compensation
33 benefits received by a member for reimbursement of vacation
34 time used, sick time used, or for any unpaid time off from work
35 shall not be offset against and not considered payable in lieu

1 of any retirement allowance payable pursuant to this section on
2 account of the same disability.

3 DIVISION V

4 CIVIL SERVICE COMMISSION EXAMINATIONS

5 Sec. 14. Section 400.8, subsection 2, Code 2021, is amended
6 to read as follows:

7 2. The commission shall establish the guidelines for
8 conducting the examinations under subsection 1 of this section.
9 ~~It may prepare and administer the examinations or may~~ The
10 commission shall hire persons with expertise to do so if the
11 commission approves the examinations ~~prepare and administer~~
12 the examinations approved by the commission. It may also
13 hire persons with expertise to consult in the preparation of
14 such examinations if the persons so hired are employed to aid
15 personnel of the commission in assuring that a fair examination
16 is conducted. A fair examination shall explore the competence
17 of the applicant in the particular field of examination.

18 Sec. 15. Section 400.9, subsection 2, Code 2021, is amended
19 to read as follows:

20 2. The commission shall establish guidelines for conducting
21 the examinations under subsection 1. ~~It may prepare and~~
22 ~~administer the examinations or may~~ The commission shall hire
23 persons with expertise to do so if the commission approves
24 ~~the examinations and if the examinations apply to~~ prepare and
25 administer the examinations approved by the commission for
26 the position in the city for which the applicant is taking
27 the examination. It may also hire persons with expertise to
28 consult in the preparation of such examinations if the persons
29 so hired are employed to aid personnel of the commission
30 in assuring that a fair examination is conducted. A fair
31 examination shall explore the competence of the applicant in
32 the particular field of examination. The names of persons
33 approved to administer any examination under this section shall
34 be posted in the city hall at least twenty-four hours prior to
35 the examination.

DIVISION VI

2 LAW ENFORCEMENT — ELUDING LAW ENFORCEMENT — CARRYING FIREARMS

3 Sec. 16. Section 321.279, Code 2021, is amended to read as
4 follows:

5 **321.279 Eluding or attempting to elude pursuing law**
6 **enforcement vehicle.**

7 1. *a.* The driver of a motor vehicle commits a serious
8 misdemeanor if the driver willfully fails to bring the motor
9 vehicle to a stop or otherwise eludes or attempts to elude a
10 marked or unmarked official law enforcement vehicle driven by a
11 ~~uniformed~~ peace officer after being given a visual and audible
12 signal to stop. The signal given by the peace officer shall
13 be by flashing red light, or by flashing red and blue lights,
14 and siren. For purposes of [this section](#), "*peace officer*" means
15 those officers designated under [section 801.4, subsection 11](#),
16 paragraphs "*a*", "*b*", "*c*", "*f*", "*g*", and "*h*".

17 *b.* The driver of a motor vehicle who commits a second or
18 subsequent violation under [this subsection](#) is, upon conviction,
19 guilty of an aggravated misdemeanor.

20 2. *a.* The driver of a motor vehicle commits an aggravated
21 misdemeanor if the driver willfully fails to bring the motor
22 vehicle to a stop or otherwise eludes or attempts to elude a
23 marked or unmarked official law enforcement vehicle that is
24 driven by a ~~uniformed~~ peace officer after being given a visual
25 and audible signal as provided in [this section](#) and in doing so
26 exceeds the speed limit by twenty-five miles per hour or more.

27 *b.* The driver of a motor vehicle who commits a violation
28 under [this subsection](#) and who has previously committed a
29 violation under [this subsection](#) or [subsection 3](#) is, upon
30 conviction, guilty of a class "D" felony.

31 3. *a.* The driver of a motor vehicle commits a class "D"
32 felony if the driver willfully fails to bring the motor vehicle
33 to a stop or otherwise eludes or attempts to elude a marked or
34 unmarked official law enforcement vehicle that is driven by a
35 ~~uniformed~~ peace officer after being given a visual and audible

1 signal as provided in [this section](#), and in doing so exceeds the
2 speed limit by twenty-five miles per hour or more, and if any
3 of the following occurs:

4 (1) The driver is participating in a public offense, as
5 defined in [section 702.13](#), that is a felony.

6 (2) The driver is in violation of [section 321J.2](#).

7 (3) The driver is in violation of [section 124.401](#).

8 (4) The offense results in bodily injury to a person other
9 than the driver.

10 *b.* The driver of a motor vehicle who commits a second or
11 subsequent violation under [this subsection](#) is, upon conviction,
12 guilty of a class "C" felony.

13 **Sec. 17. NEW SECTION. 724.4D Authority to carry firearm**
14 **— peace officers.**

15 A peace officer shall not be prohibited from carrying a
16 firearm while engaged in the performance of official duties.

17 **Sec. 18. EFFECTIVE DATE.** This division of this Act, being
18 deemed of immediate importance, takes effect upon enactment.

19 **DIVISION VII**

20 **ASSAULTS INVOLVING LASERS**

21 **Sec. 19.** Section 708.1, subsection 2, Code 2021, is amended
22 by adding the following new paragraph:

23 **NEW PARAGRAPH.** *d.* (1) Intentionally points a laser
24 emitting a visible light beam at another person with the intent
25 to cause pain or injury to another. For purposes of this
26 paragraph, "laser" means a device that emits a visible light
27 beam amplified by the stimulated emission of radiation and any
28 light which simulates the appearance of a laser.

29 (2) This paragraph does not apply to any of the following:

30 (a) A law enforcement officer who uses a laser in
31 discharging or attempting to discharge the officer's official
32 duties.

33 (b) A health care professional who uses a laser in providing
34 services within the scope of practice of that professional or
35 any other person who is licensed or authorized by law to use a

1 laser or who uses a laser in the performance of the person's
2 official duties.

3 (c) A person who uses a laser to play laser tag, paintball,
4 and other similar games using light-emitting diode technology.

5 Sec. 20. EFFECTIVE DATE. This division of this Act, being
6 deemed of immediate importance, takes effect upon enactment.

7

DIVISION VIII

8 ASSAULT — HARASSMENT — CRIMINAL MISCHIEF — DISORDERLY
9 CONDUCT

10 Sec. 21. Section 321.366, subsection 1, Code 2021, is
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. *g.* Operate a bicycle, skateboard, or other
13 pedestrian conveyance or be a pedestrian anywhere on a fully
14 controlled-access facility. For purposes of this paragraph,
15 "*pedestrian conveyance*" means any human-powered device by which
16 a pedestrian may move other than by walking or by which a
17 walking person may move another pedestrian, including but not
18 limited to strollers and wheelchairs.

19 Sec. 22. Section 708.3A, subsections 1, 2, 3, and 4, Code
20 2021, are amended to read as follows:

21 1. A person who commits an assault, as defined in section
22 708.1, against a peace officer, jailer, correctional staff,
23 member or employee of the board of parole, health care
24 provider, employee of the department of human services,
25 employee of the department of revenue, civilian employee of a
26 law enforcement agency, civilian employee of a fire department,
27 or fire fighter, whether paid or volunteer, with the knowledge
28 that the person against whom the assault is committed is a
29 peace officer, jailer, correctional staff, member or employee
30 of the board of parole, health care provider, employee of
31 the department of human services, employee of the department
32 of revenue, civilian employee of a law enforcement agency,
33 civilian employee of a fire department, or fire fighter and
34 with the intent to inflict a serious injury upon the peace
35 officer, jailer, correctional staff, member or employee of

1 the board of parole, health care provider, employee of the
2 department of human services, employee of the department
3 of revenue, civilian employee of a law enforcement agency,
4 civilian employee of a fire department, or fire fighter, is
5 guilty of a class "D" felony.

6 2. A person who commits an assault, as defined in section
7 708.1, against a peace officer, jailer, correctional staff,
8 member or employee of the board of parole, health care
9 provider, employee of the department of human services,
10 employee of the department of revenue, civilian employee of a
11 law enforcement agency, civilian employee of a fire department,
12 or fire fighter, whether paid or volunteer, who knows that
13 the person against whom the assault is committed is a peace
14 officer, jailer, correctional staff, member or employee of
15 the board of parole, health care provider, employee of the
16 department of human services, employee of the department
17 of revenue, civilian employee of a law enforcement agency,
18 civilian employee of a fire department, or fire fighter and
19 who uses or displays a dangerous weapon in connection with the
20 assault, is guilty of a class "D" felony.

21 3. A person who commits an assault, as defined in section
22 708.1, against a peace officer, jailer, correctional staff,
23 member or employee of the board of parole, health care
24 provider, employee of the department of human services,
25 employee of the department of revenue, civilian employee of a
26 law enforcement agency, civilian employee of a fire department,
27 or fire fighter, whether paid or volunteer, who knows that
28 the person against whom the assault is committed is a peace
29 officer, jailer, correctional staff, member or employee of
30 the board of parole, health care provider, employee of the
31 department of human services, employee of the department
32 of revenue, civilian employee of a law enforcement agency,
33 civilian employee of a fire department, or fire fighter, and
34 who causes bodily injury or mental illness, is guilty of an
35 aggravated misdemeanor.

1 4. Any other assault, as defined in [section 708.1](#), committed
2 against a peace officer, jailer, correctional staff, member
3 or employee of the board of parole, health care provider,
4 employee of the department of human services, employee of the
5 department of revenue, civilian employee of a law enforcement
6 agency, civilian employee of a fire department, or fire
7 fighter, whether paid or volunteer, by a person who knows
8 that the person against whom the assault is committed is a
9 peace officer, jailer, correctional staff, member or employee
10 of the board of parole, health care provider, employee of
11 the department of human services, employee of the department
12 of revenue, civilian employee of a law enforcement agency,
13 civilian employee of a fire department, or fire fighter, is a
14 serious misdemeanor.

15 Sec. 23. Section 708.7, subsection 2, paragraph a, Code
16 2021, is amended by adding the following new subparagraph:
17 NEW SUBPARAGRAPH. (4) Harassment that occurs against
18 another person who is lawfully in a place of public
19 accommodation as defined in section 216.2.

20 Sec. 24. Section 716.4, subsection 1, Code 2021, is amended
21 to read as follows:

22 1. Criminal mischief is criminal mischief in the second
23 degree if ~~the~~ any of the following apply:

24 a. The cost of replacing, repairing, or restoring the
25 property that is damaged, defaced, altered, or destroyed
26 exceeds one thousand five hundred dollars but does not exceed
27 ten thousand dollars.

28 b. The acts damaged, defaced, altered, or destroyed any
29 publicly owned property, including a monument or statue. In
30 addition to any sentence imposed for a violation of this
31 paragraph, the court shall include an order of restitution
32 for any property damage or loss incurred as a result of the
33 offense.

34 Sec. 25. Section 723.4, Code 2021, is amended by striking
35 the section and inserting in lieu thereof the following:

1 **723.4 Disorderly conduct.**

2 1. A person commits a simple misdemeanor when the person
3 does any of the following:

4 *a.* Engages in fighting or violent behavior in any public
5 place or in or near any lawful assembly of persons, provided,
6 that participants in athletic contests may engage in such
7 conduct which is reasonably related to that sport.

8 *b.* Makes loud and raucous noise in the vicinity of any
9 residence or public building which intentionally or recklessly
10 causes unreasonable distress to the occupants thereof.

11 *c.* Directs abusive epithets or makes any threatening gesture
12 which the person knows or reasonably should know is likely to
13 provoke a violent reaction by another.

14 *d.* Without lawful authority or color of authority, the
15 person disturbs any lawful assembly or meeting of persons by
16 conduct intended to disrupt the meeting or assembly.

17 *e.* By words or action, initiates or circulates a report or
18 warning of fire, epidemic, or other catastrophe, knowing such
19 report to be false or such warning to be baseless.

20 *f.* (1) Knowingly and publicly uses the flag of the United
21 States in such a manner as to show disrespect for the flag as
22 a symbol of the United States, with the intent or reasonable
23 expectation that such use will provoke or encourage another to
24 commit trespass or assault.

25 (2) As used in this paragraph:

26 (a) "*Deface*" means to intentionally mar the external
27 appearance.

28 (b) "*Defile*" means to intentionally make physically unclean.

29 (c) "*Flag*" means a piece of woven cloth or other material
30 designed to be flown from a pole or mast.

31 (d) "*Mutilate*" means to intentionally cut up or alter so as
32 to make imperfect.

33 (e) "*Show disrespect*" means to deface, defile, mutilate, or
34 trample.

35 (f) "*Trample*" means to intentionally tread upon or

1 intentionally cause a machine, vehicle, or animal to tread
2 upon.

3 (3) This paragraph does not apply to a flag retirement
4 ceremony conducted pursuant to federal law.

5 2. A person commits a serious misdemeanor when the person,
6 without lawful authority or color of authority, obstructs any
7 street, sidewalk, highway, or other public way, with the intent
8 to prevent or hinder its lawful use by others.

9 3. A person commits an aggravated misdemeanor when the
10 person commits disorderly conduct as described in subsection 2
11 and does any of the following:

12 a. Obstructs or attempts to obstruct a fully
13 controlled-access facility on a highway, street, or road in
14 which the speed restriction is controlled by section 321.285,
15 subsection 3, or section 321.285, subsection 5.

16 b. Commits property damage.

17 c. Is present during an unlawful assembly as defined in
18 section 723.2.

19 4. A person commits a class "D" felony when the person
20 commits disorderly conduct as described in subsection 2 and
21 does any of the following:

22 a. Is present during a riot as defined in section 723.1.

23 b. Causes bodily injury.

24 5. A person commits a class "C" felony when the person
25 commits disorderly conduct as described in subsection 2 and the
26 person causes serious bodily injury or death.

27 Sec. 26. EFFECTIVE DATE. This division of this Act, being
28 deemed of immediate importance, takes effect upon enactment.

29 DIVISION IX

30 ENFORCEMENT OF LAWS

31 Sec. 27. NEW SECTION. 27B.1 Definitions.

32 1. "Local entity" means the governing body of a city or
33 county. "Local entity" includes an officer or employee of a
34 local entity or a division, department, or other body that is
35 part of a local entity, including but not limited to a sheriff,

1 police department, city attorney, or county attorney.

2 2. "*Policy*" includes a rule, procedure, regulation, order,
3 ordinance, motion, resolution, or amendment, whether formal and
4 written or informal and unwritten.

5 Sec. 28. NEW SECTION. **27B.2 Restriction on enforcement of**
6 **state, local, and municipal law prohibited.**

7 A local entity or law enforcement department shall not
8 adopt or enforce a policy or take any other action under which
9 the local entity or law enforcement department prohibits or
10 discourages the enforcement of state, local, or municipal laws.

11 Sec. 29. NEW SECTION. **27B.3 Discrimination prohibited.**

12 A local entity or a person employed by or otherwise under the
13 direction or control of a local entity shall not consider race,
14 skin color, language spoken, or national origin while enforcing
15 state, local, and municipal laws except to the extent permitted
16 by the Constitution of the United States or the Constitution of
17 the State of Iowa.

18 Sec. 30. NEW SECTION. **27B.4 Complaints — notification —**
19 **civil action.**

20 1. Any person may file a complaint with the attorney general
21 alleging that a local entity has violated or is violating
22 this chapter if the person offers evidence to support such an
23 allegation. The person shall include with the complaint any
24 evidence the person has in support of the complaint.

25 2. A local entity for which the attorney general has
26 received a complaint pursuant to [this section](#) shall comply
27 with any document requests, including a request for supporting
28 documents, from the attorney general relating to the complaint.

29 3. A complaint filed pursuant to [subsection 1](#) shall not be
30 valid unless the attorney general determines that a violation
31 of [this chapter](#) by a local entity was intentional.

32 4. If the attorney general determines that a complaint filed
33 pursuant to [this section](#) against a local entity is valid, the
34 attorney general, not later than ten days after the date of
35 such a determination, shall provide written notification to the

1 receive any state funds if the local entity intentionally
2 violates [this chapter](#).

3 2. State funds shall be denied to a local entity pursuant
4 to [subsection 1](#) by all state agencies for each state fiscal
5 year that begins after the date on which a final judicial
6 determination that the local entity has intentionally violated
7 this chapter is made in a civil action brought pursuant to
8 section 27B.4, subsection 6. State funds shall continue
9 to be denied until eligibility to receive state funds is
10 reinstated under [section 27B.6](#). However, any state funds for
11 the provision of wearable body protective gear used for law
12 enforcement purposes shall not be denied under [this section](#).

13 3. The department of management shall adopt rules pursuant
14 to [chapter 17A](#) to implement [this section](#) and [section 27B.6](#)
15 uniformly across state agencies from which state funds are
16 distributed to local entities.

17 Sec. 32. NEW SECTION. **27B.6 Reinstatement of eligibility**
18 **to receive state funds.**

19 1. Except as provided by [subsection 5](#), no earlier than
20 ninety days after the date of a final judicial determination
21 that a local entity has intentionally violated the provisions
22 of [this chapter](#), the local entity may petition the district
23 court that heard the civil action brought pursuant to section
24 27B.4, subsection 6, to seek a declaratory judgment that the
25 local entity is in full compliance with [this chapter](#).

26 2. A local entity that petitions the court as described by
27 subsection 1 shall comply with any document requests, including
28 a request for supporting documents, from the attorney general
29 relating to the action.

30 3. If the court issues a declaratory judgment declaring that
31 the local entity is in full compliance with [this chapter](#), the
32 local entity's eligibility to receive state funds is reinstated
33 beginning on the first day of the month following the date on
34 which the declaratory judgment is issued.

35 4. A local entity shall not petition the court as described

1 in subsection 1 more than twice in one twelve-month period.

2 5. A local entity may petition the court as described in
3 subsection 1 before the date provided in subsection 1 if the
4 person who was the director or other chief officer of the
5 local entity at the time of the violation of this chapter is
6 subsequently removed from or otherwise leaves office.

7 6. A party shall not be entitled to recover any attorney
8 fees in a civil action described by subsection 1.

9 Sec. 33. NEW SECTION. 27B.7 Attorney general database.

10 The attorney general shall develop and maintain a searchable
11 database listing each local entity for which a final judicial
12 determination described in section 27B.5, subsection 2, has
13 been made. The attorney general shall post the database on the
14 attorney general's internet site.

15 DIVISION X

16 QUALIFIED IMMUNITY

17 Sec. 34. NEW SECTION. 669.14A Qualified immunity.

18 1. Notwithstanding any other provision of law, an employee
19 of the state subject to a claim brought under this chapter
20 shall not be liable for monetary damages if any of the
21 following apply:

22 a. The right, privilege, or immunity secured by law was not
23 clearly established at the time of the alleged deprivation,
24 or at the time of the alleged deprivation the state of the
25 law was not sufficiently clear that every reasonable employee
26 would have understood that the conduct alleged constituted a
27 violation of law.

28 b. A court of competent jurisdiction has issued a final
29 decision on the merits holding, without reversal, vacatur, or
30 preemption, that the specific conduct alleged to be unlawful
31 was consistent with the law.

32 2. The state or a state agency shall not be liable for
33 any claim brought under this chapter where the employee
34 was determined to be protected by qualified immunity under
35 subsection 1.

1 3. A plaintiff who brings a claim under this chapter
2 alleging a violation of the law must state with particularity
3 the circumstances constituting the violation and that the law
4 was clearly established at the time of the alleged violation.
5 Failure to plead a plausible violation or failure to plead that
6 the law was clearly established at the time of the alleged
7 violation shall result in dismissal with prejudice.

8 4. Any decision by the district court denying qualified
9 immunity shall be immediately appealable.

10 5. This section shall apply in addition to any other
11 statutory or common law immunity.

12 Sec. 35. NEW SECTION. **669.26 Money damages — nonwaiver**
13 **of rights.**

14 This chapter shall not be construed to be a waiver of
15 sovereign immunity for a claim for money damages under the
16 Constitution of the State of Iowa.

17 Sec. 36. NEW SECTION. **670.4A Qualified immunity.**

18 1. Notwithstanding any other provision of law, an employee
19 or officer subject to a claim brought under this chapter shall
20 not be liable for monetary damages if any of the following
21 apply:

22 a. The right, privilege, or immunity secured by law was not
23 clearly established at the time of the alleged deprivation,
24 or at the time of the alleged deprivation the state of the
25 law was not sufficiently clear that every reasonable employee
26 would have understood that the conduct alleged constituted a
27 violation of law.

28 b. A court of competent jurisdiction has issued a final
29 decision on the merits holding, without reversal, vacatur, or
30 preemption, that the specific conduct alleged to be unlawful
31 was consistent with the law.

32 2. A municipality shall not be liable for any claim brought
33 under this chapter where the employee or officer was determined
34 to be protected by qualified immunity under subsection 1.

35 3. A plaintiff who brings a claim under this chapter

1 alleging a violation of the law must state with particularity
2 the circumstances constituting the violation and that the law
3 was clearly established at the time of the alleged violation.
4 Failure to plead a plausible violation or failure to plead that
5 the law was clearly established at the time of the alleged
6 violation shall result in dismissal with prejudice.

7 4. Any decision by the district court denying qualified
8 immunity shall be immediately appealable.

9 5. This section shall apply in addition to any other
10 statutory or common law immunity.

11 Sec. 37. NEW SECTION. **670.14 Money damages — nonwaiver**
12 **of rights.**

13 This chapter shall not be construed to be a waiver of
14 sovereign immunity for a claim for money damages under the
15 Constitution of the State of Iowa.

16 Sec. 38. EFFECTIVE DATE. This division of this Act, being
17 deemed of immediate importance, takes effect upon enactment.

18 DIVISION XI

19 PUBLIC DISORDER

20 Sec. 39. Section 723.1, Code 2021, is amended to read as
21 follows:

22 **723.1 Riot.**

23 A riot is three or more persons assembled together in a
24 violent and disturbing manner, ~~to the disturbance of others,~~
25 and with any use of unlawful force or violence by them or any
26 of them against another person, or causing property damage.
27 A person who willingly joins in or remains a part of a riot,
28 knowing or having reasonable grounds to believe that it is
29 such, commits ~~an aggravated misdemeanor~~ a class "D" felony.

30 Sec. 40. Section 723.2, Code 2021, is amended to read as
31 follows:

32 **723.2 Unlawful assembly.**

33 An unlawful assembly is three or more persons assembled
34 together, with them or any of them acting in a violent manner,
35 and with intent that they or any of them will commit a public

1 offense. A person who willingly joins in or remains a part
2 of an unlawful assembly, or who joined a lawful assembly but
3 willingly remains after the assembly becomes unlawful, knowing
4 or having reasonable grounds to believe that it is such,
5 commits ~~a simple~~ an aggravated misdemeanor.

6 Sec. 41. EFFECTIVE DATE. This division of this Act, being
7 deemed of immediate importance, takes effect upon enactment.

8 DIVISION XII

9 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL OF
10 RIGHTS

11 Sec. 42. Section 80F.1, subsection 1, paragraph a, Code
12 2021, is amended to read as follows:

13 a. "Complaint" means a formal written allegation signed
14 by the complainant or a signed written statement by an
15 officer receiving an oral complaint stating the complainant's
16 allegation.

17 Sec. 43. Section 80F.1, subsections 3, 5, 8, 9, 13, and 18,
18 Code 2021, are amended to read as follows:

19 3. A formal administrative investigation of an officer
20 shall be commenced and completed in a reasonable period of time
21 ~~and an.~~ An officer shall be immediately notified in writing
22 of the results of the investigation when the investigation is
23 completed.

24 5. An officer who is the subject of a complaint, shall at a
25 minimum, be provided a written summary of the complaint prior
26 to an interview. If a collective bargaining agreement applies,
27 the complaint or written summary shall be provided pursuant
28 to the procedures established under the collective bargaining
29 agreement. If the complaint alleges domestic abuse, sexual
30 abuse, workplace harassment, or sexual harassment, an officer
31 shall not receive more than a written summary of the complaint.

32 8. a. The officer shall have the right to have the
33 assistance of legal counsel present, at the officer's expense,
34 during the interview of the officer and during hearings or
35 other disciplinary or administrative proceedings relating

1 to the complaint. In addition, the officer shall have the
2 right, at the officer's expense, to have a union representative
3 present during the interview or, if not a member of a union,
4 the officer shall have the right to have a designee present.

5 b. The officer's legal counsel, union representative, or
6 employee representative shall not be compelled to disclose in
7 any judicial proceeding, nor be subject to any investigation
8 or punitive action for refusing to disclose, any information
9 received from an officer under investigation or from an
10 agent of the officer, so long as the officer or agent of the
11 officer is an uninvolved party and not considered a witness
12 to any incident. The officer's legal counsel may coordinate
13 and communicate in confidence with the officer's designated
14 union representative or employee representative, and such
15 communications are not subject to discovery in any proceeding.

16 9. If a formal administrative investigation results in
17 the removal, discharge, or suspension, or other disciplinary
18 action against an officer, copies of any witness statements
19 and the complete investigative agency's report shall be timely
20 provided to the officer upon the request of the officer or the
21 officer's legal counsel upon request at the completion of the
22 investigation.

23 13. An officer shall have the right to ~~pursue civil remedies~~
24 ~~under the law~~ bring a cause of action against a ~~citizen~~ any
25 person, group of persons, organization, or corporation for
26 damages arising from the filing of a false complaint against
27 the officer or any other violation of this chapter including
28 but not limited to actual damages, court costs, and reasonable
29 attorney fees.

30 18. A municipality, county, or state agency employing
31 an officer shall not publicly release the officer's official
32 photograph without the written permission of the officer or
33 without a request to release pursuant to **chapter 22**. An
34 officer's personal information including but not limited to the
35 officer's home address, personal telephone number, personal

1 electronic mail address, date of birth, social security number,
2 and driver's license number shall be confidential and shall be
3 redacted from any record prior to the record's release to the
4 public by the employing agency. Nothing in this subsection
5 prohibits the release of an officer's photograph or unredacted
6 personal information to the officer's legal counsel, union
7 representative, or designated employee representative upon the
8 officer's request.

9 Sec. 44. Section 80F.1, Code 2021, is amended by adding the
10 following new subsections:

11 NEW SUBSECTION. 20. The employing agency shall keep
12 an officer's statement, recordings, or transcripts of any
13 interviews or disciplinary proceedings, and any complaints
14 made against an officer confidential unless otherwise provided
15 by law or with the officer's written consent. Nothing in
16 this section prohibits the release of an officer's statement,
17 recordings, or transcripts of any interviews or disciplinary
18 proceedings, and any complaints made against an officer to
19 the officer or the officer's legal counsel upon the officer's
20 request.

21 NEW SUBSECTION. 21. An agency employing full-time or
22 part-time officers shall provide training to any officer or
23 supervisor who performs or supervises an investigation under
24 this section, and shall maintain documentation of any training
25 related to this section. The Iowa law enforcement academy
26 shall adopt minimum training standards not inconsistent with
27 this subsection, including training standards concerning
28 interviewing an officer subject to a complaint.

29 NEW SUBSECTION. 22. Upon written request, the employing
30 agency shall provide to the requesting officer or the officer's
31 legal counsel a copy of the officer's personnel file and
32 training records regardless of whether the officer is subject
33 to a formal administrative investigation at the time of the
34 request.

35

DIVISION XIII

1 CIVIL LIABILITY FOR CERTAIN VEHICLE OPERATORS

2 Sec. 45. NEW SECTION. 321.366A Immunity from civil
3 liability for certain vehicle operators.

4 1. The driver of a vehicle who is exercising due care and
5 who injures another person who is participating in a protest,
6 demonstration, riot, or unlawful assembly or who is engaging in
7 disorderly conduct and is blocking traffic in a public street
8 or highway shall be immune from civil liability for the injury
9 caused by the driver of the vehicle.

10 2. The driver of a vehicle who injures another person
11 who is participating in a protest, demonstration, riot, or
12 unlawful assembly or who is engaging in disorderly conduct and
13 is blocking traffic in a public street or highway shall not
14 be immune from civil liability if the actions leading to the
15 injury caused by the driver of a vehicle constitute reckless
16 or willful misconduct.

17 3. Subsection 1 shall not apply if the injured person
18 participating in a protest or demonstration was doing so with a
19 valid permit allowing persons to protest or demonstrate on the
20 public street or highway where the injury occurred.

21 Sec. 46. EFFECTIVE DATE. This division of this Act, being
22 deemed of immediate importance, takes effect upon enactment.

23 DIVISION XIV

24 WINDOW TINTING

25 Sec. 47. Section 321.438, subsection 2, Code 2021, is
26 amended to read as follows:

27 2. A person shall not operate on the highway a motor
28 vehicle equipped with a front windshield, a side window to the
29 immediate right or left of the driver, or a ~~side-wing~~ sidewing
30 forward of and to the left or right of the driver which is
31 excessively dark or reflective so that it is difficult for a
32 person outside the motor vehicle to see into the motor vehicle
33 through the windshield, window, or sidewing.

34 a. The department shall adopt rules establishing a minimum
35 measurable standard of transparency which shall apply to

1 violations of this subsection.

2 b. This subsection does not apply to a person who operates
3 a motor vehicle owned or leased by a federal, state, or local
4 law enforcement agency if the operation is part of the person's
5 official duties.

6 Sec. 48. EFFECTIVE DATE. This division of this Act, being
7 deemed of immediate importance, takes effect upon enactment.

8 DIVISION XV

9 SHERIFF SALARIES

10 Sec. 49. Section 331.907, subsection 1, Code 2021, is
11 amended to read as follows:

12 1. The annual compensation of the auditor, treasurer,
13 recorder, sheriff, county attorney, and supervisors shall
14 be determined as provided in this section. The county
15 compensation board annually shall review the compensation
16 paid to comparable officers in other counties of this
17 state, other states, private enterprise, and the federal
18 government. In setting the salary of the county sheriff,
19 the county compensation board shall ~~consider setting~~ set the
20 sheriff's salary so that it is comparable to salaries paid
21 to professional law enforcement administrators and command
22 officers of the state patrol, the division of criminal
23 investigation of the department of public safety, and city
24 ~~police agencies in this state~~ chiefs employed by cities of
25 similar population to the population of the county. The county
26 compensation board shall prepare a compensation schedule for
27 the elective county officers for the succeeding fiscal year. A
28 recommended compensation schedule requires a majority vote of
29 the membership of the county compensation board.

30 DIVISION XVI

31 CONFIDENTIAL COMMUNICATIONS — PEER SUPPORT — GROUP COUNSELORS

32 Sec. 50. Section 622.10, subsection 9, paragraphs a and b,
33 Code 2021, are amended to read as follows:

34 a. A peer support group counselor or individual present
35 for a group crisis intervention who obtains information from

1 examinations, and sheriff salaries; qualified immunity;
2 communications in professional confidence; law enforcement
3 including officer rights, eluding law enforcement, and
4 the carrying of firearms; assaults involving lasers; the
5 enforcement of laws; public disorder, assault, harassment,
6 criminal mischief, unlawful obstruction of certain highways,
7 and disorderly conduct; civil liability for certain vehicle
8 operators; and window tinting; and providing penalties and
9 including effective date provisions.>>

KLEIN of Washington